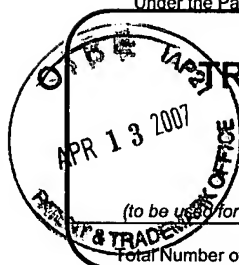


IFW/1712

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031  
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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

15

Application Number

10/520,252

Filing Date

October 2, 2006

First Named Inventor

Nigel P. Hacker

Art Unit

1712

Examiner Name

Unknown

Attorney Docket Number

30-4333-4780/H9930-4505

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Request for Corrected Filing Receipt and Supporting Documentation
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Buchalter Nemer, A Professional Law Corporation		
Signature			
Printed name	Sandra P. Thompson		
Date	4/9/2007	Reg. No.	46,264

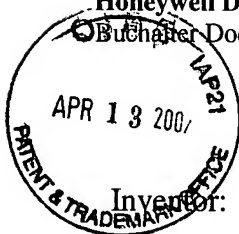
## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Collene Houston	Date	4/11/07

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: **Hacker et al.**

Serial No: **10/520,252**

Filed: **August 15, 2002**

For: **NANOPOROUS MATERIALS AND  
METHODS OF FORMATION  
THEREOF**

Examiner: **Not Assigned Yet**

Art Unit: **1712**

**REQUEST FOR CORRECTED FILING RECEIPT**

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.
2. There are errors with respect to the following, which are incorrectly entered.

***Error in***

***Correct data***

1. Inventor's name

1. Scott Lefferts

3. The spelling of Scott Lefferts' name was corrected with the submission of a new Declaration including his name spelled correctly, signed by him, and filed with the USPTO on September 28, 2006. Copies of the documents as filed as well as the Decision on Petition dated October 31, 2006 are enclosed herewith.

Applicant believes no fees are due with this paper but authorization to charge any necessary fees to deposit account 500977 is hereby granted.

Date:

4/9/2007

Respectfully submitted,

A handwritten signature in black ink that reads "Sandra P. Thompson". The signature is written in a cursive, flowing style.

Sandra P. Thompson, Reg. 46264  
Buchalter Nemer, A Prof. Corporation  
18400 Von Karman Ave.  
Suite 800  
Irvine, CA 92612  
Phone: 949-224-6282  
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19920-4505



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/520,252	10/02/2006	1712	1780	7210332001-3221000	10	41	2

CONFIRMATION NO. 2613

23639  
 BINGHAM, MCCUTCHEN LLP  
 THREE EMBARCADERO CENTER  
 18 FLOOR  
 SAN FRANCISCO, CA 94111-4067

**RECEIVED**

JAN 22 2007

Bingham McCutchen  
 IP Docket Dept.

**FILING RECEIPT**

\*OC000000021966085\*

Date Mailed: 01/18/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Nigel Hacker, Palo Alto, CA;  
 Scott Leffert, Sunnyvale, CA;  
 Lisa Figge, Menlo Park, CA;  
 Richard Spear, Portland, OR;  
 William Bedwell, San Jose, CA;  
 Teresa Ramos, Albuquerque, NM;

**Power of Attorney:** The patent practitioners associated with Customer Number 23639.

**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/US02/26276 08/15/2002

**Foreign Applications**

**Projected Publication Date:** 04/19/2007

**Non-Publication Request:** No

**Early Publication Request:** No

Docket: 3221000 721033-2001  
 Action: Trans to Sandie Thompson  
 Date Due: \_\_\_\_\_

**Title**

## Nanoporous materials and methods of formation thereof

**Preliminary Class**

528

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR

1.53(d). This license is not retroactive.

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#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/520,252	Nigel Hacker	7210332001-3221000

23639  
 BINGHAM, MCCUTCHEN LLP  
 THREE EMBARCADERO CENTER  
 18 FLOOR  
 SAN FRANCISCO, CA 94111-4067

INTERNATIONAL APPLICATION NO.	
PCT/US02/26276	
I.A. FILING DATE	PRIORITY DATE
08/15/2002	

CONFIRMATION NO. 2613  
 371 ACCEPTANCE LETTER



\*OC000000021966086\*

Date Mailed: 01/18/2007

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>10/02/2006</u>	<u>10/02/2006</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 01/03/2005
- Copy of the International Search Report filed on 01/03/2005
- Copy of IPE Report filed on 01/03/2005
- Preliminary Amendments filed on 01/03/2005
- Information Disclosure Statements filed on 09/05/2006
- Oath or Declaration filed on 10/02/2006
- Request for Immediate Examination filed on 01/03/2005
- U.S. Basic National Fees filed on 01/03/2005

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

---

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: **Hacker et al.**

Serial No: **10/520,252**

Filed: **August 15, 2002**

For: **NANOPOROUS MATERIALS AND  
METHODS OF FORMATION  
THEREOF**

Examiner: **Not Assigned Yet**

Art Unit: **Not Assigned Yet**

**RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.47(A)**

This document responds to the Decision on Petition Under 37 CFR 1.47(a) issued by the USPTO on July 28, 2006.

The Decision on Petition states that the Declaration filed 22 June 2006 with the Renewed Petition executed by Scott Lefferts is defective and insufficient to satisfy the oath or declaration requirement of 37 CFR 371(c)(4) for entry into the national stage in the United States of America because the Declaration submitted contains an alteration that was not initialed and dated by the inventor. The Declaration had been altered to correct the spelling of Scott Lefferts' last name.

In response to the Decision on Petition, applicant herewith submits a new Declaration signed by Scott Lefferts with no alterations and with his last name spelled correctly. It is respectfully requested that the Petitions Attorney review this document and reconsider his position on the Renewed Petition.

Dated: \_\_\_\_\_

9/28/2006

Respectfully submitted,

Buchalter Nemer, A Professional Corp.

By: \_\_\_\_\_

*Sandra P. Thompson*  
Sandra P. Thompson, PhD, Esq.

Reg. No. 46,264

E-mail: [sthompson@buchalter.com](mailto:sthompson@buchalter.com)

Direct Line: 949-224-6282

ATTORNEYS FOR APPLICANT(S):

18400 Von Karman Ave, Suite 800  
Irvine, CA 92612  
Fax : 949-224-6203





INVENTOR(S): Hacker et al.  
SERIAL NO.: 10/520,252

**THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE ON THE DATE STAMPED HEREON:**

☐ Missing Parts of Application Transmittal \$ \_\_\_\_\_  
☒ Combined Declaration/Power of Attorney \$ \_\_\_\_\_  
☐ Power of Attorney  
☐ Assignment and Cover Sheet: \$ \_\_\_\_\_  
☐ Information Disclosure Statement ☐ ISR ☐ From PTO 1449 with \_\_\_\_\_ References \$ \_\_\_\_\_  
☐ Request for Corrected Filing Receipt  
☐ Amendment/Response (\_\_\_\_\_ page(s)) \$ \_\_\_\_\_  
☐ Petition for Extension of Time (\_\_\_\_\_ months) \$ \_\_\_\_\_  
☐ Amendment After Final Rejection (\_\_\_\_\_ page(s)) \$ \_\_\_\_\_  
☐ Notice of Appeal  
☐ Appeal Brief (\_\_\_\_\_ page(s)) \$ \_\_\_\_\_  
☐ Issue Fee Transmittal \$ \_\_\_\_\_  
☐ Formal Drawing(s); No. of Sheets \_\_\_\_\_  
☐ Total fees charged to Deposit Account No. 01-1125: \$ \_\_\_\_\_  
OTHER Response to Decision on Petition \$ \_\_\_\_\_  
Attorney Docket No.: 30-433315-4780 Attorney: Jacobson  
Outside Counsel: Buchalter

Please acknowledge receipt of the following by affixing hereon the Official date stamp and returning this card to our office.

**Response to Decision on Petition under 37 CFR 1.47(a)**

Title: \_\_\_\_\_  
Inventor: Nanoporous Materials and Methods of Formation Thereof  
Filing Date: Hacker, et al.  
Serial Number: January 3, 2005 (August 15, 2002 PCT)  
Matter Type: 10/520,252  
Date of Deposit: Patent - US  
Matter #: September 28, 2006  
H9930-4505  
Enclosures: (1) Transmittal Form; (2) Response to Decision on Petition;  
(3) Declaration for Patent Application signed by Scott  
Lefferts (3 pages); (4) Honeywell Postcard; and (5) Return  
Receipt Postcard.



31 OCT 2006

Sandra Poteat Thompson  
Buchalter Nemer, P.C.  
18400 Von Karman, Suite 800  
Irvine, CA 92612

In re Application of  
HACKER et al.  
U.S. Application No. 10/520,252  
PCT No.: PCT/US02/26276  
It. Filing Date: 15 August 2002  
Priority Date: None  
Attorney Docket No.: H9930-4505  
For: NANOPOROUS MATERIALS AND  
METHODS OF FORMATION THEREOF

DECISION ON PETITION  
UNDER 37 CFR 1.47(a)

This decision is issued in response to applicant's "Response to Decision on Petition under 37 CFR 1.47(a)" filed 02 October 2006. In a decision dated 28 July 2006, applicant's petition under 37 CFR 1.47(a) to accept the application without the signature of inventor, Scott Lefferts, was dismissed as moot. However, the declaration (by Scott Lefferts) submitted with the renewed petition under 37 CFR 1.47(a), was insufficient to satisfy the oath or declaration requirement of 35 CFR 371(c)(4) for entry into the national stage in the United States of America.

Applicant states in the present petition that "the declaration had been altered to correct the spelling of Scott Lefferts' last name." Applicant's statement has been construed as meaning that the discrepancy between the name of the second inventor indicated in the international application during the international phase and the name of the second inventor as it appears in the declaration is the result of a typographical error. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, counsel's explanation of the difference in the spelling of the second inventor's last name is accepted and noted for the record.

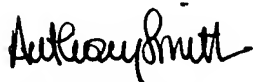
The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 02 October 2006, with the present renewed petition was executed by the named inventor, the previous non-signing inventor, Scott Lefferts. For the reasons above, the petition under 37 CFR 1.47 is dismissed as moot.

### CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as moot and applicant's request to correct the name of the second inventor is **GRANTED**.

The application has an international filing date of 15 August 2002 under 35 U.S.C. 363 and a date of **02 October 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing in accordance with this decision.



Anthony Smith  
Attorney-Advisor  
Office PCT Legal Administration  
Tel.: 571-272-3298  
Facsimile: 571-273-0459